

**Iowa Department of Natural Resources
Natural Resource Commission**

ITEM

12

DECISION

TOPIC

Notice of Intended Action--Chapter 116, HUSH

Approval is sought for a new rule, Chapter 116 that establishes procedures for the Help Us Stop Hunger (HUSH) deer donation program of the department.

HUSH has operated for four years without administrative rules. Because of its \$400,000+/year revenues and expenses, and many partners who have specific responsibilities to make it work smoothly, it is necessary to establish the operations on a more formal, legal basis.

There are no changes in the proposed rules from the way in which HUSH has operated, except for two new provisions. One is to establish a HUSH council, composed of the DNR and partners at the Food Bank of Iowa and Department of Agriculture and Land Stewardship, to recommend resolution to disputes that may arise.

The other is to create an opportunity to partner with other fund raising interest that may wish to participate in the deer donation program. Farmers and Hunters Feeding the Hungry (FHFH) has asked for this opportunity. It is a national program of a similar nature to HUSH, operated out of Maryland as a faith-based 501-C3 non-profit. In the last deer season, FHFH raised enough money from two Iowa chapters to process about 325 deer, in addition to those processed by HUSH. They contend they could create many more chapters and raise more money with assistance from HUSH.

All of the partners in HUSH, internal and external have reviewed and approved the proposed rule.

Ken Herring
Division Administrator
Conservation and Recreation Division

April 12, 2007

NATURAL RESOURCE COMMISSION [571]
Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission gives Notice of Intended Action to adopt new Chapter 116, "Help Us Stop Hunger Program Administration," Iowa Administrative Code.

This proposed new Chapter 116 establishes the operations for the Help Us Stop Hunger (HUSH) deer donation program that encourages deer harvest by hunters and the donation of deer into a system that provides free venison to Iowa's needy.

Any interested person may make written comments on this proposed new Chapter 116 on or before May 29, 2007. Such written materials should be directed to Ross Harrison, HUSH Coordinator, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034. Persons who wish to convey their views orally should contact Ross Harrison at (515)281-5973.

A public hearing will be held on May 29, 2007, at 1:30 p.m. in the east 4th Floor Conference Room of the Wallace State Office Building at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend a public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of special needs.

These amendments are intended to implement Iowa Code sections in 571--116.6(483A).

The following **new** Chapter is proposed.

Adopt the following **new** Chapter 116:
Chapter 116

"Help Us Stop Hunger" Program Administration

571--116.1(483A) Purpose. This chapter establishes the procedures for the administration of the help us stop hunger (HUSH) deer donation program. HUSH is established pursuant to Iowa Code section 483A.8(1) to encourage hunters, during periods of excessive deer populations, to harvest more deer than needed for personal consumption and to donate those deer to a program to feed Iowans in need.

571—116.2(483A) Definitions.

"HUSH" means the "Help Us Stop Hunger" program.

"Deer" means any wild deer legally taken in Iowa and deer confiscated as legal evidence if the confiscated carcass is considered by a conservation officer to be in good condition for donation.

"Field dressed" means that the deer has been properly bled and cleaned of its internal organs.

"Meat processor" means any business that is licensed by the department of agriculture and land stewardship's bureau of meat and poultry inspection, the USDA, or a neighboring state's department similar to Iowa's, to process meat for retail customers.

"Department" means the department of natural resources.

“Distributor” means the Food Bank of Iowa or, in the event the Food Bank of Iowa discontinues participation in HUSH, such other venison distribution service provider as shall be designated by future contract.

“Help us stop hunger coordinator” means an employee of the department who administers the deer donation program.

“Food Bank of Iowa” means the private, non-profit charitable organization incorporated under that name whose mission is to alleviate hunger and reduce food waste in Iowa.

571—116.3(483A) Restrictions. Deer is the only species of wildlife that shall be covered by the HUSH program. The entire deer carcass must be donated, but the hunter may keep the antlers, head and cape.

571—116.4(483A) HUSH council. There is hereby created a HUSH council. Members shall serve without additional compensation.

116.4(1) Membership. The HUSH council shall include the following voting members:

- a. The HUSH coordinator who shall serve as chair;
- b. An additional department representative designated by the department wildlife bureau chief ;
- c. A representative of the Food Bank of Iowa appointed by its executive director;
- d. The chief of the department of agriculture and land stewardship’s bureau of meat and poultry inspection or its designee.

116.4(2) Duties.

a. The council shall recommend to the department an annual per deer processing payment to meat processors and shall consider prices for similar services to retail customers in Iowa and nearby states to set a fair market price.

b. The council shall recommend to the department an annual per deer administrative payment to the Food Bank of Iowa. The Food Bank of Iowa shall provide information to assist in this determination but shall not participate in any vote of the council in regard to the recommendation of the annual per deer administrative payment to the Food Bank of Iowa.

c. The council shall make recommendations to the department to resolve conflicts or disputes in the operation of the HUSH program as brought to it by any person.

d. The council shall adopt standards for participating lockers to meet in terms of their record of violations of the bureau of meat and poultry rules and natural resource rules.

e. The council shall advise the department in the administration of HUSH.

116.4(3) Administration. The HUSH coordinator shall convene the council as needed to conduct business. A majority vote shall be required for action or decision by the council. The chief of the department wildlife shall have the right to over-rule the council for cause and shall provide the council with justification for the reasons. A quorum to conduct business shall consist of three council members, one of which shall be the HUSH coordinator.

571—116.5(483A) Duties of the department. During periods of excessive deer populations, the department shall promote the harvest of deer by hunters and the donation of deer at meat processors participating in HUSH. During periods of non-excessive deer populations, HUSH may continue with less emphasis on promotion to hunters.

116.5(1) Meat processors. The department shall enlist as many meat processors as available in HUSH and shall enter into uniform agreements with meat processors. The department shall

provide forms for donations of deer by hunters, posters for meat processors to advertise their participation, venison pick-up receipts and invoices, and two-pound freezer bags for use by HUSH participants. The department shall provide informational and promotional materials to meat processors in regard to HUSH.

116.5(2) Venison distributor. The department shall enter into an annual agreement with the Food Bank of Iowa or, in the event the Food Bank of Iowa discontinues participation in HUSH, other service providers designated by future contract to carry out the duties described in 571--116.6(483A). The department shall pay the distributor a per deer rate of payment for administrative services provided. The department shall make such payments to the distributor as described in the annual agreement for the purpose of making payments by the distributor to participating meat processors.

571—116.6(483A) Duties of venison distributor. In order to continue participation in HUSH, the distributor shall enter into an annual agreement with the department for venison pick-up from meat processors and distribution throughout Iowa and for the administration of financial accounts with meat processors. The distributor shall make reports to the department. The distributor shall be compensated by the department at a per deer rate as determined annually by the department with recommendations from the HUSH council.

116.6(1) Venison pick-up and distribution. The distributor shall cause timely pick up of venison from meat processors and distribution of the venison to its member social service agencies.

116.6(2) Payments to meat processors. The distributor shall make payments to meat processors at the rate set by the department. A record of each donated deer that provides information required by the department, an invoice from the meat processor, and a supporting record of the venison pick up shall be required of the meat processor prior to payment. With funding available from the department and correct submittal of this information from meat processors, payments shall be made to meat processors within thirty days.

116.6(3) Reports to the department. The distributor shall provide all records of each donated deer for which payment was made to the department by April 1 and shall keep accurate records of the amount of venison picked up from meat processors and distributed to qualified agencies, including copies of receipt/invoices from venison pickups.

116.6(4) Reimbursement to the department. If any funding provided by the department is unused for venison processing or administrative costs, all such unused funds shall be refunded to the department by May 1.

571--116.7(483A) Meat Processors.

116.7(1) Eligibility. To participate in the HUSH program, a uniform annual agreement which details the meat processor's participation shall be signed with each meat processor and the department by August 1 prior to the coming deer season. Exceptions to this date may be considered by the HUSH council with recommendations made to the department.

116.7(2) Requirements. Meat processors shall accept the entire field dressed carcass, as per 116.3, of a donated deer and shall not assess any fees or costs to donors. Information from the donor is required for each donated deer and shall be submitted on forms provide by the department. Payment shall not be made to a meat processor without this information.

116.7(3) Venison. Meat processors shall accept the entire donated deer, as per 116.3, if they determine the venison is in an acceptable condition. Deer shall be processed into pure ground

venison with no additives, put into bags provided by the department and frozen prior to being received by a representative of the Food Bank of Iowa. Venison pick up shall be initiated by the meat processor by contacting its designated pick up person.

116.7(4) Venison pick up. At the time of venison pick up, the meat processor shall provide accurate information and an official signature on a form provided by the department. The meat processor shall retain one copy of the form for billing purposes and one copy for the meat processor's business records.

116.7(5) Billing the distributor. To receive payment for venison processing, the meat processor shall submit to the distributor a copy of the venison pick up and invoice form, the department form that provides information on each donated deer, and any additional information that is required by the department on the form provided.

571--116.8(483A) Partnership with other organizations. The department, at its own discretion, may enter into agreements with other organizations for the purpose of expanding the deer donation program. The department may include the offer of matching grants to pay for deer processing to organizations that acquire funding from sources other than the state of Iowa.

These rules are intended to implement Iowa Code sections in 571--116.6(483A)

Date

Richard A. Leopold, Director

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